

By
cancel
42. The method of Claim 41, wherein said Mycobacterium is selected from the group consisting of *M. bovis*, *M. tuberculosis*, *M. leprae*, *M. africanum*, *M. microti*, *M. avium*, *M. intracellulare* and *M. scrofulaceum*.

43. The method of Claim 41, wherein said lysate is immobilized on a solid support.

44. The method of Claim 43, wherein said solid support is nitrocellulose.

45. The method of Claim 41, wherein said detecting is by a qualitative detection system.

Sub
G
46. The method of Claim 45, wherein said qualitative detection system is a horseradish peroxidase-protein A detection system.

47. The method of Claim 41, wherein said detecting is by a quantitative detection system.

By
cancel
48. The method of Claim 47, wherein said quantitative detection system is a radioimmunoassay.

49. The method of Claim 41, further comprising:
culturing a diagnostic sample to produce colonies of bacteria present therein,
whereby said culture represents said biological sample.--

REMARKS

Claim 1 was pending prior to the present amendment. Claims 2-23 were cancelled with the submission of the present application.

Claim 24 is added claiming a method of detecting the presence of antibodies to Mycobacterium in a biological sample. Support is found at page 13, line 32 to page 14, line 1.

Claims 25, 35 and 42 are added as claims depending from Claims 24, 34 and 41, respectively, specifying the Mycobacterium. support is found at page 8, lines 6-13.

Claims 26-27 and 43-44 are added as claims depending from Claims 24 and 41, respectively, specifying the immobilization of the protein or lysate. Support is found at page 17, lines 30-32.

Claim 28 is added as a claim depending from Claim 24, specifying the sample. Support is found at page 13, line 32 to page 14, line 10.

Claims 29-30 and 45-46 are added as claims Depending from Claims 24 and 41, respectively, specifying the detection system. Support is found at page 9, lines 4-8 and at page 17, lines 31-34.

Claims 31-32 and 47-48 are added as claims Depending from Claims 24 and 41, respectively, specifying the detection system. Support is found at page 14, lines 17-26.

Claim 33 is added as a claim depending from Claim 24, specifying the additional step of using a control. Support is found at page 18, lines 4-11.

Claim 34 is added to claim a method of detecting a the presence of Mycobacterial nucleic acid in a sample. Support is found at page 13, lines 17-26.

Claim 36 is added as a claim depending from Claim 34, specifying the sample source. support is found at page 4, lines 2-6 and page 13, lines 21-26.

Claim 37 is added as a claim depending from Claim 34, specifying the characteristics of the probe. Support is found at page 28, lines 24-30.

Claim 38 is added as a claim depending from Claim 34, specifying the detection system. Support is found at page 28, lines 22-24.

Claim 39 is added as a claim depending from Claim 34, specifying the detection system. Support is found at page 15, lines 23-25.

Claim 40 is added as a claim depending from Claim 39, specifying the primers for the system. Support is found at page 15, lines 20-23.

Claim 41 is added claiming a method of detecting the presence of Mycobacterium in a biological sample. Support is found at page 17, line 29 to page 18, line 4.

Claim 49 is added as a claim depending from Claim 41, specifying a further step of culturing a diagnostic sample. Support is found at page 17, lines 26-28.

Serial No.: 09/432,820
Filing Date: November 2, 1999

CONCLUSION

Applicants respectfully submit that the claims are fully supported and in condition for allowance. Early notification to that effect is respectfully requested.

Respectfully submitted,

FLEHR HOHBACH TEST
ALBRITTON & HERBERT LLP



Richard F. Trecartin, Reg. No. 31,801

Four Embarcadero Center, Suite 3400
San Francisco, California 94111
Telephone: (415) 781-1989
1002120